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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,928	11/05/2001	Jan Eveleens	NL000591	6950

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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NATNAEL, PAULOS M

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/992,928

Applicant(s)

EVELEENS ET AL.

Examiner

Paulos M. Natnael

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **1-10 and 12-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Fujihara, U.S. Pat. No. 6,785,399.

Considering claim 1, a method of communicating a command to a controllable device (130), comprising the steps of: generating a watermark comprising the command, which is to be executed by the controllable device; generating a watermarked signal comprising the watermark and an information unit to be transmitted to the controllable device; and transmitting the watermarked signal to the controllable device for causing the controllable device to execute the command, is met by Broadcast Station 10, Figure, which discloses image 14, watermark insertion circuit 11, modulation circuit 12 as well

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as antenna 13 and by the disclosure on col. 2, lines 54-59 and col.3, lines 26-43 that "The modulation circuit 12 is connected between the watermark insertion circuit 11 and the transmitting antenna 13 and is for modulating an output of the watermark insertion circuit 11 and produce a transmission data corresponding to the image data including the specified data".

Considering claim 2, a method as claimed in claim 1, where the watermarked signal is generated in a first domain and the information unit is generated in the second domain, is met by the insertion circuit 11 and the image 14, Figure, respectively.

Considering claim 3, a method as claimed in claim 2, where the first domain is one of the acoustic domain and the visual domain, is met by the watermarked image signal (visual domain) generated at insertion circuit 11, Figure.

Considering claim 4, a method as claimed in claim 2 or 3, where the second domain is the electrical domain, is met by the image 14, which would be generated from some sort of a storage unit.

Considering claim 5, a method as claimed in claim 1, where the command relates to at least one of: control of a physical movement of a part of the controllable device, rendering of an audio output by the controllable device, rendering of a visual output by

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the controllable device, and adjusting a value for at least one parameter associated with the command, is met by the disclosure on col. 3, lines 26-30 that "The output circuit 27 is connected to the comparator circuit 26 and is for executing the specified processing, such as voice reproduction and text representation, in accordance with the coincidence signal. A combination of the data storage table 25, the comparator 26, and the output circuit 27 will be referred to as an executing arrangement."

Considering claim 6,

- a) embedding means for generating a watermark comprising the command, which is to be executed by the controllable device, is met by insertion circuit 11, (Figure).
- b) watermarking means generating a watermarked signal comprising the watermark and an information unit to be transmitted to the controllable device , is met by modulation circuit 12;
- c) output means for transmitting the watermarked signal to the controllable device for causing the controllable device to execute the command, is met by transmission antenna 13;
- d) receiving means for receiving the signal in the controllable device , is met by receiving antenna 21;
- e) decoding means for obtaining the information unit from the signal and obtaining the command from the information unit, is met by demodulator 22;
- f) executing means for executing the command, is met by output 27; (see also col. 3, lines 29-31)

Regarding claim **7**, see rejection of claim 1;

Regarding claim **8**, see rejection of claim 6 (d), (e) and (f).

Regarding claim **10**, see rejection of claim 1, except for, the claimed advertisement, which is inherent in the system of Fujihara since advertisements may comprise text data or representation and Fujihara discloses that the data embedded in broadcast to the receiver is specified code or specified data and the receiver processing may be voice reproduction and text representation.. (col. 3, lines 29-30).

Considering claim **12**, a signal comprising an information unit in which a watermark is embedded, the watermark comprising a command to be executed by a controllable device.

See rejection of claim 1;

Regarding claim **13**, see rejection of claim 1;

Regarding claim **14**, see rejection of claim 2;

Regarding claim **15**, see rejection of claim 3;

Regarding claim **16**, is met by broadcast station 10 which generates the (TV) image 14.

Figure;

Regarding claim **17**, see rejection of claim 8;

Regarding claim **18**, see rejection of claim 2;

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Regarding claim **19**, see rejection of claim 3;

Claim **20** is met by receiver device 20 which is a broadcast receiver receiving broadcast signal as well as the watermark signal embedded within the broadcast signal and is executed by the output circuit 27.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **9 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujihara, U.S. Pat. No. 6,785,399 in view of Venkatesan et al., U.S. Pat. No. 6,829,710.

Considering claim **9**, Fujihara does not specifically disclose a computer program product for executing the method of claim 1. However, notice that the Fujihara system (10) is a broadcast station and it is notoriously well known in the art to utilize a computer software program to execute many methods or processes in such a setting. In this regard, Venkatesan et al. disclose a technique for producing, through watermarking, tamper-resistant executable code, which can be executable software program in a diskette that can be inserted in the disk drive of the PC and read or accessed by the

computer. Therefore, it would have been obvious to the skilled in the art to modify the system of Fujihara by providing a computer software program to cause to execute the method in the broadcast station in order to automate the system and make it efficient by avoiding manual processing.

Considering claim 11, a method as claimed in claim 10, further comprising the steps of maintaining a user profile for the user based on a sale of a controllable device to the user, determining using the user profile a product that the user is likely to want to buy, and adding an identifier for the product to the command.

Regarding claim 11, Fujihara does not specifically disclose maintaining user profile and determining using the user profile a product that the user is likely to want to buy. However, Examiner takes Official Notice in that such methods are notoriously well known in the art television where viewer profiling is used and thus, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Fujihara by providing the method of maintaining and using user profile in order to make it easier for the advertiser to identify the type of customers and their likely tendency to buy or utilize certain brands.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



Cox et al. (U.S. 5,930,369) disclose a secure spread spectrum watermarking for multimedia data.

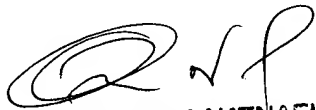
Yuen et al. (U.S. 6,452,640) teach a sound bite augmentation, where the sound bite is embedded in the broadcast signal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (703) 305-0019. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PMN  
February 26, 2005



PAULOS M. NATNAEL  
PATENT EXAMINER